

REMARKS/ARGUMENTS

The final office action of August 22, 2006 has been carefully reviewed and these remarks are responsive thereto. Claims 9, 23, 30, 39, and 48 have been amended, no claims have been cancelled, and no new claims have been added. Claims 1-11, 19-40, 42-49, 51-56, 59-70, and 72-73 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 1-11, 19-40, 42-49, 51-56, 59-70, and 72-73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. Publ. No. US 2003/0225796 A1 to Matsubara (*Matsubara*) in view of U.S. Patent Appl. Publ. No. US 2004/0103280 A1 to Balfanz et al. (*Balfanz*). Applicants respectfully traverse these rejections for at least the following reasons.

With respect to the proposed combination of *Matsubara* and *Balfanz*, on which the current rejections are based for all pending claims, Applicants reassert the arguments put forth in the Request for Reconsideration filed on June 8, 2006. Namely, there is no motivation or suggestion to combine *Matsubara*, which discloses a peer-to-peer file sharing system with a central server, with *Balfanz*, which discloses a secure file sharing system with a group member list stored on each machine in the sharing system. As previously noted, *Balfanz* specifically teaches away from the use of a central server, which is the basis for *Matsubara*'s entire sharing system. Moreover, modifying *Matsubara* by adding the group member lists and file lists of *Balfanz* at each sharee and sharer in the peer-to-peer sharing network would frustrate the performance and scalability of the resulting system, stated purposes of *Matsubara*, by requiring constant data replication and synchronization between the multiple sharers and sharees. Thus, Applicants submit that the combination of *Matsubara* and *Balfanz* was improper, and once again request withdrawal of the pending rejections of claims 1-11, 19-40, 42-49, 51-56, 59-70, and 72-73 under 35 U.S.C. § 103(a).

Additionally, with respect to claims 3 and 4, Applicants reassert the arguments put forth in the Request for Reconsideration filed on June 8, 2006. Namely, *Matsubara* does not teach or suggest "verify[ing] that a file share exists from which the virtual folder item to be shared can be

accessed remotely,” as recited in claim 3, or “wherein if a file share already exists, the permissions on the file share are set so as to allow the sharee to access the item that is to be shared,” as recited in claim 4. In response, the office action on page 4 alleges that *Matsubara* teaches sharing files in a P2P file sharing system, and states that “the file is to be checked, confirmed and ensured that it was registered (existing on the system) as well as its content.” Assuming, *arguendo*, that *Matsubara* does teach confirming that a shared file exists on the sharer’s computer, it still does not teach verifying or setting permissions on a file share. As previously noted, a “file share” is not mentioned anywhere in *Matsubara*, nor is any equivalent concept. Additionally, referring to an access control list for the file also fails to teach or suggest the recited features, which relate to the associated file shares and not to the shared files themselves. Since *Balfanz* fails to overcome this deficiency, Applicants submit that claims 3 and 4 are allowable over *Matsubara* and *Balfanz* for this additional reason.

Additionally, with respect to claim 7, Applicants reassert arguments put forth in the Request for Reconsideration filed on June 8, 2006. Namely, *Matsubara* does not teach or suggest “verifying that the sharer’s firewall will allow the sharee to access the shared virtual folder item,” as recited in claim 7. In response to the Applicants’ previous arguments, the office action on page 5 states that “Matsubara teaches P2P file sharing system is on a security Internet network having a software or firewall as a gateway to protect from accessing the files.” Applicants respectfully disagree. As previously noted, *Matsubara* does not disclose firewalls, the detection of a firewall on the sharer’s computer, or the configuration of a firewall to allow the sharee to access the shared item. Thus, *Matsubara* does not teach or suggest “verifying that the sharer’s firewall will allow the sharee to access the shared virtual folder item,” as recited in claim 7. Since *Balfanz* fails to overcome this deficiency, Applicants submit that claim 7 is allowable over *Matsubara* and *Balfanz* for this additional reason.

Amended claim 9 recites, “sending a link to the sharee in response to the sharer selecting the virtual folder item and the at least one sharee.” In contrast, as discussed in the Amendment filed on July 8, 2005, the server system of *Matsubara* merely maintains a table of available files and directories, from which the sharee will connect to with NRB client software to browse and select a file to access. *Matsubara* does not describe sending a link to the sharee, and will only send location and credentials data after the sharee has selected a file. Thus, *Matsubara* does not

teach or suggest, “sending a link to the sharee in response to the sharer selecting the virtual folder item and the at least one sharee,” as recited in claim 9, nor does it teach or suggest the similar features recited in claims 23, 30, 39, and 48. Since *Balfanz* fails to overcome this deficiency, Applicants submit that amended claims 9, 23, 30, 39, and 48 are allowable over *Matsubara* and *Balfanz* for this additional reason.

Additionally, with respect to claims 56, 60, 62, 64, and 66, Applicants once again reassert that *Matsubara* does not describe sharing of “non-folder non-file items,” as recited in these claims. Applicants note that this rejection was traversed in the Amendment filed on July 8, 2005, and again in the Request for Reconsideration filed on June 8, 2006, and that the responsive office action did not even attempt to rebut or otherwise address Applicants arguments in this regard. The relied upon section of *Matsubara* is reproduced below.

[0066] In a step 616, the server communicates an acknowledge response to user_A's NRB client. In addition, the user access information for user_B's NRB client is communicated to user_A's NRB client. A communication channel/session is established between user_A and user_B, in a step 618. The respective NRB browsers communicate to effect a download of the requested file (e.g., 232, FIG. 2) from user_B to user_A. In a step 620, user_A stores the downloaded file (e.g., 234, FIG. 2) into its cached file archive (216, FIG. 2). The NRB software of user_A then communicates to the RNS server a file cached message, in a step 622. In response, the server adds user_A to the cached user list 306 of the selected file, in a step 624.

This section of *Matsubara* does not disclose or relate to sharing a “non-folder non-file item,” as recited in claims 56, 60, 62, 64, and 66. Moreover, as previously noted, it is not likely that the infrastructure described by *Matsubara* could support the sharing of these types of items, since non-file items typically do not reside within the physical file hierarchy of the sharer's computer. Since *Balfanz* fails to overcome this deficiency, Applicants submit that claims 56, 60, 62, 64, and 66 are allowable over *Matsubara* and *Balfanz* for this additional reason.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 23rd day of October, 2006

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